

REMARKS

Claims 1, 4, 6-14 and 20-22 are all the claims presently pending in the application. The claims have not been amended.

The Examiner has objected to the Amendment filed on December 9, 2004 under 35 U.S.C. 132(a) for introducing new matter into the disclosure. Applicants have amended the Specification in a manner believed fully responsive to the Examiner's new matter objection. Specifically, Applicants have amended the Specification to recite the original disclosure of 85 wt% for binder resin.

That is, in the Examiner's Office Action dated September 22, 2004, the Examiner objected to the Specification because "In example 1, the sum of the amounts of the components in the toner, i.e., 85 wt% for binder resin, 1 wt% for charge control agent, 10 wt% for carbon black, 4.25 wt% for polyethylene wax, and 0.75 wt% for paraffin wax, is 101 wt%. It is not clear how the sum of weight percentages based on the total weight of the toner can be other than 100 wt%" (see Office Action dated September 22, 2004 at page 2). In the Amendment filed on December 9, 2004 Applicants amended the Specification to recite 84 wt % of binder resin to correct an apparent typographical error.

Applicants submit that it would have been apparent to one of ordinary skill in the art that Applicants merely amended the specification to correct a typographical error and did not add new matter to the Specification.

Furthermore, Applicants submit that the material to be amended relates to "a fixing resin" recited in the claims. In the claims, "a fixing resin" is recited merely as a basic component and does not relate to the compound ratio of the added wax, which is the subject matter of the claimed invention.

Therefore, Applicants submit that the subject matter objected to in the Specification is

not specifically related or necessarily material to the claimed invention. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicants submit this Statement to comply with the requirements of M.P.E.P. § 713.04.

Applicants would like to thank the Examiner for courtesies extended to Applicants' representative during the productive telephonic interview conducted on July 24, 2007. In the interview, the Examiner indicated that while the Declaration under 37 C.F.R. § 1.132 would not likely overcome the Examiner's objection, the objections to the specification could be overcome by amending the specification to recite "85 wt% for binder resin" and by pointing out that this obvious typographical error in the specification is not material to the claimed invention.

Applicants have provided corresponding arguments and amendments above.

In view of the foregoing, Applicants submit that claims 1, 4, 6-14 and 20-22, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

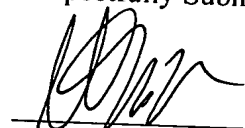
Serial No. 10/662,340
Docket No. H64-154706M/TNM

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully Submitted,



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